

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

NICK C. TRAN

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CAUSE NO. 1:08-CR-66-LG-JMR-3

ORDER DENYING TRAN'S MOTION FOR SANCTIONS AGAINST FONG

BEFORE THE COURT is Nick Tran's Motion for Sanctions [262] against Albert M. Fong. Upon reviewing the Motion and the record in this matter, the Court finds that the Motion for Sanctions should be denied.

DISCUSSION

This Court previously imposed sanctions on Albert M. Fong and Tran's other attorneys on October 21, 2009, for failing to prepare for trial and causing two continuances. The attorneys were held jointly and severally liable for the costs incurred by the Court for the appearance of two separate juries.¹ Tran terminated Fong's representation as a result of these failures, and he was allowed to withdraw from this case. Tran now seeks the return of the \$110,000.00 in attorney's fees that he paid Fong plus interest and additional attorney's fees expended in filing the present motion, as an additional sanction.

The Court finds that the Motion for Sanctions should be denied. The above-styled cause is a criminal case, while the matter presented in Tran's Motion is a private contract dispute between Fong and Tran. The Court will not intervene in such a dispute in this criminal case.

IT IS THEREFORE ORDERED AND ADJUDGED that Nick Tran's Motion for

¹ Fong and Tran's other attorneys have paid these monetary sanctions. The Court will consider whether these attorneys should be suspended from practicing law in this Court at a show cause hearing to be held at 1:00 p.m. on Monday, December 14, 2009.

Sanctions [262] against Albert M. Fong is **DENIED**. The Court further finds that Tran's Notice of Hearing [264], which attempted to schedule a hearing on the Motion for Sanctions, should be stricken.

SO ORDERED AND ADJUDGED this the 9th day of December, 2009.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge